

1A Louis Brosi, Sr. (Trust)

Case No. 07CEPR01213

Atty David M. Gilmore and Ryan M. Janisse (for Cindy Snow Henry – Beneficiary – Petitioner)

Atty Armo, Lance (for Robert Snow)

Atty Paul Franco (for Louis Brosi, III)

Atty Wilson, Joshua G. (of Bakersfield, for Louis Brosi, Jr.)

Notice of Motion and Motion to Compel Performance Under Settlement Agreement

		CINDY SNOW HENRY , Trust beneficiary, filed Notice of Motion and Motion to Compel Performance Under Settlement Agreement on 3-15-11. The petition seeks to have the court order LOUIS BROSI, III carry out the acts necessary to partition the property into three parcels anticipated and directed by the settlement reached 3-5-09. LOUIS BROSI, JR. filed Opposition on 4-28-11 stating that new issues have arisen since the settlement.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 12-10-12</u> Note: CINDY SNOW HENRY has filed a new Petition to Remove Trustee; Appoint Public Administrator as Trustee; Require Trustee Correct Title; and Compel Trustee to Account on 11-5-12 that is set for hearing on 1-2-13 at 9:00 am. 1. The Court may require updated information regarding whether Petitioner intends to pursue a ruling on <u>this petition</u> with reference to the new petition filed 11-5-12.
Cont. from 121012			
Aff.Sub.Wit.			
Verified			
Inventory			
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Notice of Hrg			
Aff.Mail			
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Sp.Ntc.		Reviewed by: skc Reviewed on: 12-10-12 Updates: Recommendation: File 1A - Brosi	
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

1A

1B	Louis Brosi, Sr. (Trust)	Case No. 07CEPR01213
Atty	David M. Gilmore and Ryan M. Janisse (for Cindy Snow Henry – Beneficiary – Petitioner)	
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Atty	Wilson, Joshua G. (of Bakersfield, for Louis Brosi, Jr.)	

Court Trial (Previously: Status Conference Re: Lot Split & Related Matters)

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note: This matter is set for Court Trial pursuant to Minute Order 12-10-12.</u></p> <p>(Examiner kept this matter's place as "B" page to keep matters in order.)</p> <p><u>Minute Order 12-10-12</u> <u>(Continued Status Conference Re: Lot Split & Related Matters):</u> Mr. Franco informs the Court that the issues have been resolved and the map has been filed with the County. Matter set for Court Trial on 1/2/13. The Court directs all counsel to file their briefs by 12/20/12.</p>
Set on 12-10-12		
<input type="checkbox"/> Aff.Sub.Wit.	<input type="checkbox"/>	
<input type="checkbox"/> Verified	<input type="checkbox"/>	
<input type="checkbox"/> Inventory	<input type="checkbox"/>	
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<input type="checkbox"/> Citation	<input type="checkbox"/>	
<input type="checkbox"/> FTB Notice	<input type="checkbox"/>	
		Reviewed by: skc
		Reviewed on: 12-10-12
		Updates:
		Recommendation:
		File 1B - Brosi

1B

1C
Atty
Atty
Atty
Atty

Louis Brosi, Sr. (Trust)

David M. Gilmore and Ryan M. Janisse (for Cindy Snow Henry – Beneficiary – Petitioner)

Armo, Lance (for Robert Snow)

Paul Franco (for Louis Brosi, III)

Wilson, Joshua G. (of Bakersfield, for Louis Brosi, Jr.)

Case No. 07CEPR01213

Petition to Remove Trustee; to Appoint Public Administrator as Trustee; to Require Trustee Correct Title; and to Compel Trustee to Account [Prob. C. 17200, 15642]

		CINDY SNOW HENRY , Trust beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This matter will be heard at 1:30 per Minute Order 12-10-12. <u>Note:</u> See Pages 1A (Continued hearing on Notice of Motion and Motion to Compel Performance under Settlement Agreement) and 1B (Court Trial re: Status of Lot Split and Related Matters). 1. Petitioner requests appointment of Public Administrator as Successor Trustee; however, it does not appear that the Public Administrator and County Counsel were sent Notice of Hearing or that an acceptance of trust has been signed pursuant to Probate Code §15600.
		Petitioner states: Background: The Testamentary Trust of Louis Brosi Sr., was created under Louis Brosi's last will and testament. Louis Brosi, Jr., is designated as the trustee of the trust. Petitioner Cindy Snow Henry is a beneficiary. On 3-5-09, the parties entered into a Settlement Agreement recited into the record for the Court; however, there is no settlement document independent of the transcript, attached. Petitioner states the trustee has taken no action to comply with the Settlement Agreement or otherwise administer the trust since its entry. Instead, he has taken active steps to interfere with the Settlement Agreement, including, without limitation, trying to stop the efforts of Louis Brosi, III, to have the property split into three equal parcels as provided in the Settlement Agreement. The Court entered an order to enjoin that interference. In addition, the trustee has taken no steps in more than 3½ years to provide any inventory or accounting or taken steps to comply with the terms of the trust. He resides on the trust property without rent for his exclusive use and enjoyment of the property, and has provided no accounting or other information to the beneficiaries. He is utilizing trust property to run a commercial nursery for his own personal benefit and boarding horses on the property. See Exhibits 2 and 3 (photos). Petitioner states that on 9-30-11, a deed was recorded (attached) whereby the trustee, in his individual capacity, transfers the trust property to his minor granddaughter, Ashlyn Brosi. The trustee has represented at various times that he would rescind or otherwise correct the deed, but has not. <u>SEE ADDITIONAL PAGES</u>	
	Aff.Sub.Wit.		Reviewed by: skc
	Verified		Reviewed on: 12-10-12
	Inventory		Updates:
	PTC		Recommendation:
	Not.Cred.		File 1 - Brosi
	Notice of Hrg		
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	Video Receipt		
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	Order		
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	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

1C

Petitioner states the trustee is required to be represented by counsel: No person can appear in Court for another person unless the person is an active member of the State Bar. Cal. B&P Code §6125.

The Trustee is not represented by counsel at this time. Petitioner states "a trust is not a legal personality and the trustee is the proper person to sue or be sued on behalf of a trust. However, a trustee's duties in connection with his or her office do not include the right to present argument in *propria persona* in courts of the state, because in this capacity such trustee would be representing the interests of others and would therefore be engaged in the unauthorized practice of law. *Ziegler v. Nickel*, (1998) 64 Cal.App.4th 545, 548."

Petitioner states the trustee has cycled through numerous attorneys in this matter and alleges that he fires his counsel as means to further delay trust administration. As of the filing of this petition, the trustee is representing himself in *propria persona*. Such representation constitutes the unauthorized practice of law in California and is improper.

Petitioner seeks an order removing trustee on grounds that he refuses to retain counsel to represent the interests of others as beneficiaries of the trust as required by law, in addition to his repeated failures to perform his duties as trustee.

[Examiner's Update: Pursuant to Substitution of Attorney filed 12-10-12, the trustee is now represented by Joshua G. Wilson of Darling & Wilson, Bakersfield, CA.]

Petitioner requests order removing trustee for breach of trust and appointing Public Administrator as successor trustee. Petitioner states the court's inherent authority to suspend a trustee's powers and remove for cause (cites provided). A trustee has a duty to take reasonable steps to preserve trust property; however, he has purportedly transferred the trust property to his minor granddaughter. Transferring trust property to an individual who is to a beneficiary does not preserve trust property and is a violation of the trustee's fiduciary duty, and was done to avoid complying with the trust.

Petitioner states the trustee has a duty to not use or deal with trust property for his own benefit per §16004(a), but is currently residing rent-free and running two different businesses for his own personal profit on trust property, and transferred trust property to his granddaughter. All of these actions constitute violation of trust terms and his fiduciary duties, and trustee's duty to avoid conflicts of interest. He is engaged in self-dealing and no effort is made to account for his actions.

Petitioner also states hostility between the trustee and beneficiaries is good cause for removal (cite provided). The trustee's behavior towards all beneficiaries is hostile and has resulted in a contentious trust administration. Removal is also appropriate for his refusal to take any action to close the trust or account, and ignores the direction of the court. He has utterly and completely failed to act as trustee.

For the foregoing reasons, Petitioner requests the Court order the trustee's removal and appoint the Public Administrator as successor trustee.

Petitioner further requests the trustee be personally sanctioned for his actions. All of his actions are in bad faith as his stated goal is to avoid complying with the terms of the trust.

Petitioner states the trustee bears costs of removal and should bear his own attorney fees (cites provided).

SEE ADDITIONAL PAGES

Petitioner requests order compelling account. In addition to removal of the trustee, Petitioner requests the Court order him to account for his actions from the date of the Settlement Agreement (March 2009) through present.

Petitioner anticipates the trustee will argue he has no duty to account because accounting was waived in 2009'; however, this argument is fallacious because the waiver, if effective at all, is only as to events to the date of settlement. Since then, he has done nothing to administer the trust, violated numerous fiduciary duties, used the property for free, and ran at least two businesses on the property without accounting to beneficiaries.

Petitioner states the trustee should be surcharged for his undue gain for such breaches.

Petitioner prays for an Order as follows:

1. Removing Louis Brosi, Jr., as trustee of the Testamentary Trust of Louis Brosi, Sr.
2. Ordering Louis Brosi, Jr., account for his actions as trustee in the manner prescribed in Probate Code § 1060-1064 from March of 2009 through the present;
3. Appointing the Public Administrator as successor trustee of the trust;
4. Ordering Louis Brosi, Jr., bear his own costs and attorney fees for defense of this action; Ordering Louis Brosi, Jr., retitle the Trust property in the name of the trust; and
5. For all other orders the Court deems just and proper.

(1) Second and Final Account and Report of Executor, Petition for Its Settlement,
 (2) Petition for Determination of Beneficiaries in Will, (3) Petition for Final
 Distribution, (4) for Allowance of Compensation to Executor Pursuant to
 Decedent's Will and Prob. C. 10802, and (5) Attorney's Fees for Ordinary and
 Extraordinary Services [Prob. C. 1060. 10802, 10811, 11700]

DOD: 12/29/2009		JAMES LOUIS ROBERTS , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/31/11 – 3/31/12	
		Accounting - \$352,683.41	
Cont. from		Beginning POH - \$352,369.90	
	Aff.Sub.Wit.	Ending POH - \$156,369.17	
✓	Verified	Executor - \$10,071.77	
✓	Inventory	(remainder of the fees owed per provision in Will. \$7,535.55 has already been paid per court order approving the first account.)	
✓	PTC		
✓	Not.Cred.	Executor costs - \$435.00 (filing fee)	
✓	Notice of Hrg	Attorney - \$2,518.12	
✓	Aff.Mail	(remainder of statutory. \$7,535.55 has already been paid per court order approving first account.)	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Attorney x/o - \$2,692.50	
✓	Letters	(remainder of fees owed. \$7,627.50 has already been paid per court order approving the first account.)	
	Duties/Supp		
	Objections	Attorney (Stephanie Krause-Cota) x/o - \$1,457.80	
	Video Receipt	(remainder of fees owed. \$4,372.20 has already been paid pursuant to court order approving the first account.)	
	CI Report		
✓	9202	Closing - \$20,000.00	
✓	Order		
	Aff. Posting		
	Status Rpt	Proposed distribution, pursuant to Decedent's Will, is to:	
	UCCJEA	West Park Baptist Church - \$119,359.98	
	Citation		
✓	FTB Notice		
			Reviewed by: KT
			Reviewed on: 12/10/12
			Updates:
			Recommendation:
			File 2 - Beeler

Motion to be Relieved as Counsel

DOD: 06/30/05		GARY L. MOTSENBOCKER , attorney for Administrator, PATRICIO ALCORTA, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		PATRICIO ALCORTA was appointed Administrator with full IAEA without bond on 01/06/11.	Note: If the Petition is granted, Status hearings will be set as follows:
Cont. from		Letters were issue on 01/06/11.	<ul style="list-style-type: none"> Friday, February 1, 2013 at 9:00 am in Dept. 303 for filing of the Accounting and Petition for Final Distribution
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Inventory & Appraisal showing the value of the estate at \$245,000.00 was filed on 07/26/11.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Petitioner states he has continuing difficulty communicating with the Administrator. The Administrator is refusing to provide information requested by counsel that is needed and necessary to bring this matter to a conclusion.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 12/11/12
			Updates:
			Recommendation:
			File 3 - Alcorta

Hudson Testamentary Trust dated 11-17-86

Case No. 11CEPR00118

Durost, Linda K. (for Philip and Debra Hudson – Former Successor Co-Trustees)

Kruthers, Heather H. (for Public Guardian – Current Trustee)

Former Successor Co-Trustees Philip and Debra Hudson's Amended and Final
Account for Accounting Period of 10/19/2004-4/5/2011

Marjorie C. Hudson Resigned: 10-19-04 DOD: 7-27-12		PHILIP and DEBRA HUDSON , Former Successor Co-Trustees of the HUDSON TESTAMENTARY TRUST dated November 17, 1986 created by MARJORIE C. HUDSON (deceased) on 11-17-85, are Petitioners. History: In the Preliminary and Partial Account heard 11-15-12, Petitioners stated due to the voluminous number of bank accounts utilized during the accounting period and the related bank statements which had to be subpoenaed, collected and line-item reviewed and entry by an accounting assistant, the length of time that Petitioners acted as Successor Co-Trustees, and the very lengthy amount of time which has passed since Petitioners acted as Co-Trustees, Petitioners respectfully request that they be allowed to augment this preliminary accounting and prepare an even more detailed accounting for the Court's review and approval. The Trust nominated Philip Hudson and his wife Debra Hudson (Petitioners) as Successor Co-Trustees should Marjorie C. Hudson die or become unable to act. Marjorie C. Hudson resigned her position as Trustee on 10-19-04, appointing Petitioners as Successor Co-Trustees. On 12-7-09, Palm Village Retirement Community filed a Petition on Marjorie C. Hudson's behalf seeking to have the FRESNO COUNTY PUBLIC GUARDIAN appointed as her conservator. The Public Guardian was appointed as Conservator of her person and estate on 2-9-10; however, Petitioners remained as Successor Co-Trustees of the Trust. On 4-5-11, pursuant to a petition by the Public Guardian, Petitioners were removed as Successor Co-Trustees and the Public Guardian was appointed Successor Trustee. Amended and Final Account period: 10-19-04 through 4-5-11 Accounting: \$1,005,034.19 Beginning POH: \$492,023.80 Ending POH: \$135,099.98 (residence and household furniture and furnishings only)	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service of Notice of Hearing at least 30 days prior to the hearing per Probate Code §17200 on Fresno County Public Guardian. (As previously noted for the last hearing, County Counsel was served, but Public Guardian was not served.) 2. Petitioners request compensation for their services as co-trustees at 1% of the total assets for each year served. The Court may require clarification with reference to Cal. Rules of Court 7.776 (factors for consideration).																																																		
<table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>Verified</td><td>X</td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCC/JEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		Verified	X	Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCC/JEA		Citation		FTB Notice		<table border="1"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 12-10-12</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 4B - Hudson</td></tr> </table>	Reviewed by: skc	Reviewed on: 12-10-12	Updates:	Recommendation:	File 4B - Hudson
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SEE ADDITIONAL PAGES

Page 2

Beginning POH consisted of the residence in Reedley and furniture and furnishings, plus \$356,923.80 in cash and mutual funds.

Receipts total \$513,010.39 and include capital gains, various deposits, dividends, interest, long-term gains, and Social Security income.

Disbursements total \$861,542.07 and are categorized by Petitioners as:

- Accountant Fees (Total \$2,655.00)
- Advance – Phil & Debra (Total \$372,308.11)
- Attorney Fees (Total \$95.99)
- Bank Service Charges (Total \$14,034.83, less refund of \$683.65)
- Cable/Internet (Total \$4,322.31)
- Care Home (Total \$159,663.22)
- Caregiver Expense (Total \$88,400.02)
- Clothing (Total \$15,181.53)
- Doctors (Total \$7,585.00)
- Donations (Total \$40.00)
- Fuel (Total \$1,115.07)
- Furniture and Appliances (Total \$7,249.39)
- Groceries (Total \$10,822.11)
- Health Insurance Supplement (Total \$10,091.65)
- House Remodel/Repairs (Total \$69,391.65)
- Household Supplies (Total \$3,056.75)
- Insurance Expense (Total \$7,001.57)
- Misc Expenses (Total \$4,687.56)
- Opening Balance Equity Total (\$56.33)
- Payroll Tax Expense (Total \$20,230.26)
- Prescriptions (Total 8,686.69)
- Restaurant (Total \$210.11)
- Safe Deposit Box (Total \$90.00)
- Subscriptions (Total \$118.40)
- Taxes (Total \$32,187.51)
- Utilities (Total \$21,282.16)
- Yard Care (Total \$1,662.50)
- **Total: \$861,542.07**

Petitioners allege and believe that just and reasonable compensation for their services would be 1% of the total assets for each year they served as Co-Trustees, and request compensation of \$18,572.95. Petitioners request that advances be offset against compensation.

Petitioners pray that:

1. Notice of hearing of this account has been given as required by law;
2. The Court make an order approving, allowing and settling this Amended Final Account;
3. Petitioners be given an offset against any advances they are adjudged to have received in the amount of \$18,572.95, which is the amount of compensation they would receive as the acting Successor Co-Trustees for the time period of the account;
4. That any distribution Mr. Hudson is entitled to as a beneficiary be credited as an advance for any funds Petitioners are adjudged to have used for their personal expenses for the time period of the account; and
5. Such other further relief be granted as the Court considers proper.

DOD: 07/25/11		GARY L. MOTSENBOCKER , attorney for Administrator, DAVID DAVIS, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> A status hearing re Failure to File a First Account or Petition for Final Distribution is set for March 22, 2013. Clerk's Certificate of Mailing shows that Notice of Status Hearing was mailed to David Davis and G.L. Motsenbocker on 11/15/12.
Cont. from		DAVID DAVIS was appointed Administrator with full IAEA without bond on 01/11/12.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory	Letters were issue on 01/12/12.	
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Inventory & Appraisal, Partial No. 1 showing the value of the estate at \$291,344.45 was filed on 04/10/12 and Inventory & Appraisal, Final showing additional estate assets in the amount of \$34,500.00 was filed on 04/16/12.	
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Petitioner states he has continuing difficulty communicating with the Administrator. The Administrator is refusing to provide information requested by counsel that is needed and necessary to bring this matter to a conclusion.	
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
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✓	Order		
	Aff. Posting		
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	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 12/11/12
			Updates:
			Recommendation:
			File 5 - Davis

Petition to Compel Trustee to Account; for Accounting by Attorney in Fact; for Further Accounting; for Elder Fiduciary Abuse; for Constructive Trust, and for Damages [Prob. C. 17200 et seq, 4500 et seq; 16000-16006; 16040; 16060; 16062-16063; 16400; 16420 and 16440 et seq; W&I C. 15657, 15610.30]

			<p>CYNTHIA F. HILL and LEWIS C. SLAYTON are Petitioners.</p> <p>Petitioners allege: On 7/29/2009 the Slayton Family Grantor Trust was created. The grantor of the Trust was Jesse C. Slayton; the Trustee of the Trust was Jesse's niece, Debbie Slayton.</p> <p>The Slayton Family Grantor Trust was actually established on behalf of Jesse by Debbie Slayton who executed the Trust document as Jesse's attorney-in-fact. Jesse had previously executed a durable power of attorney on 5/3/2005.</p> <p>By its terms, the Trust was irrevocable upon formation. Its stated purpose is to preserve the financial resources for the use, benefit and enjoyment of the primary beneficiaries. The primary beneficiaries of the Trust were Jesse during his lifetime and upon his death, the assets are to be distributed to the children of Jesse, namely Cynthia F. Hill, Lewis ("Rusty") C. Slayton and Shirley Alexander.</p> <p>Jesse died on 10/2/2010. Pursuant to the terms of the Trust the assets are distributable to Cynthia F. Hill, Lewis ("Rusty") C. Slayton, and Shirley Alexander.</p> <p>Petitioner is informed that following the death of Jesse, the Trustee sold the Trust's real property to Bobby Slayton and Joyce Slayton, for consideration of \$180,000.00.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition requests relief for the Jessie C. Slayton and Martha Jane Slayton Revocable Living Trust dated June 1, 2005. The Jessie C. Slayton and Martha Jane Slayton Revocable Living Trust is not before the court and therefore the court cannot make orders with regard to said trust. A separate action will need to be commenced regarding issues involving the Jesse C. Slayton and Martha Jane Slayton Revocable Trust. Page 2, line 9 & 10 of the Petition states trust assets are distributable to Cynthia F. Hill, Lewis ("Rusty") C. Slayton, and Shirley Alexander. However, page 2, line 12 states the assets are distributable to Cynthia F. Hill, Jesse C. Slayton, Jr. and Shirley Alexander. The court may require clarification.
Cont. from 110112				
	Aff.Sub.Wit.			
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	Video Receipt			
	CI Report			
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✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

The sale was made to a related party without a broker. Bobby Slayton is the brother of the settlor, Jesse C. Slayton, and Joyce Slayton is the wife of Bobby Slayton. Bobby Slayton and Joyce Slayton are the parents Debbie Slayton, the Trustee.

Petitioners were advised of the sale and are informed and believe that the consideration for the sale of the residence was not unreasonable notwithstanding the relationship between the Trustee and the purchasers of the property.

Following the sale, the Trustee distributed cash in the amount of \$65,000 to each of the three beneficiaries. The Trustee indicated that each of the beneficiaries were to receive at least \$20,000.00 more; however no additional funds have been distributed to the beneficiaries, nor has any additional information been provided to the beneficiaries.

Pursuant to California law, the Trustee is required to account to the beneficiaries of the Trust. On February 23, 2011, counsel for Petitioners served a demand for an accounting on the Trustee, Debbie Slayton.

To date, an accounting has not been received from the Trustee.

Wherefore, Petitioners request this court to order the Trustee to render an accounting of the administration of the Trust, in the form and manner prescribed by law.

Petitioner further requests a review of the acts of the attorney-in-fact and for further accounting by attorney-in-fact.

Petitioner alleges Jesse C. Slayton was married to Martha Jane Slayton for more than 49 years. Martha died in July 2008. Petitioners believe that Jesse and Martha previously established a Revocable Living Trust Agreement known as the "**Jesse C. Slayton and Martha Jane Slayton Revocable Living**" dated June 1, 2005 (the Jesse and Martha Trust). A page entitled "Overview of pertinent Information" is attached as Exhibit F; the document indicates that the Jesse and Martha Trust may have been established by Jesse C. Slayton individually, and acting as Attorney-in-Fact for his wife, Martha. Petitioners have been unable to obtain a copy of the Jesse and Martha Trust.

Petitioners further believe, based on statements made by Jesse C. Slayton that prior to the establishment of the Jesse and Martha Trust, he had cash assets in excess of \$400,000.00.

Petitioners believe that at some time prior to July 29, 2009, Debbie Slayton became trustee of the Jesse and Martha Trust. On July 29, 2009, Debbie Slayton signed an "Affidavit of Change of Trustee," declaring that the former Trustee, Jesse C. Slayton was incapacitated, and that she has succeeded to the position of trustee.

Please see additional page

On 11/29/2009, a deed was recorded transferring Jesse's residence from Debbie Slayton as Trustee of the Jesse and Martha trust to Jesse C. Slayton, a married man. On that same day, there as a recorded deed transferring the residence from Jesse C. Slayton, a married man, to Debbie Slayton, Trustee of the Slayton Family Grantor Trust dated July 29, 2009.

Petitioners believe that following Martha's death, Jesse was the primary beneficiary of the Jesse and Martha Trust.

Petitioners believe that Debbie Slayton, as successor Trustee of the Jesse and Martha Trust and/or as attorney in fact for Jesse Slayton, transferred and/or dissipated assets of the Trust, or assets belonging to Jesse Slayton to and for her own benefit and/or transferred same to third parties, the identities of whom is unknown to Petitioners.

Petitioners allege that Debbie Slayton regularly used Jesse's credit card for her personal benefit. After Jesse's death, a family member observed that Debbie "like[d] spending your uncle Charlie's money" (referring to Jesse C. Slayton, who was known as "Uncle Charlie" to some family members).

Wherefore, Petitioners request that Debbie Slayton account for her actions as attorney in fact of Jesse C. Slayton from 5/3/2009, and any and all actions taken as trustee of the Jesse and Martha Trust, in the manner prescribed by law.

Petitioners allege that in administering the Trust after the death of Jesse C. Slayton, the Trustee Debbie Slayton breached one or more fiduciary duties owing to the beneficiaries of the Slayton Family Trust, including without limitation, the duty to administer the trust solely in the interest of the beneficiaries; the duty to preserve trust property; and the duty to make trust property productive. As a result of the Trustee's actions, Petitioners have been damaged by the loss of their beneficial interest in the trust, in an amount according to proof. That as a result of the Trustee's actions, petitioners have been further damaged in that Petitioners have been required to retain an attorney and incur attorney's fees to assert their rights to trust property, and against the Trustee, in an amount according to proof. That the actions of the Trustee were outrageous and intentional and as such the Trustee's conduct should be punished by an award of exemplary damages against the Trustee and in favor of the beneficiaries.

At all times alleged in this petition, Jesse C. Slayton was elderly and over the age of 65 years old. For a number of years prior to his death, commencing in 2004 or early 2005, Debbie Slayton lived in Jesse's residence under an agreement that she would provide for his need and would receive room and board and a monetary stipend. She occupied the position of care custodian until approximately 2008 when Jesse's declining health required that he move into Sierra Villa, a care facility.

Please see additional page

Petitioners allege, for some years prior to his death, Jesse was suffering from diminished mental capacity, was subjected to being taken advantage of by the Respondents. Respondents exercised complete dominion and control over Jesse's assets and gained knowledge of his assets and property.

In addition, Debbie Slayton sequestered and prevented Jesse from having contact with other family members, including Petitioner, Cynthia F. Hill, specifically stating that Cynthia was not to be permitted to visit with Jesse, her father, unless Debbie was present.

The conduct of Respondents and each of them, resulted in the deprivation of Jesse's assets, which were necessary for his care and ongoing maintenance.

The above-described conduct constitutes financial abuse under Welfare and Institutions Code section 15657 and 15610.30.

Respondents, and each of them are guilty of recklessness, oppression and fraud; respondents and each of them acted with malice against Jesse in the commission of the above described abuse.

Pursuant to Welfare and Institutions Code 15657(a) Respondents and each of them are liable for reasonable attorney's fees and costs necessarily incurred in bringing an prosecuting this claim.

Petitioners believe that Respondents and each of them have wrongfully taken, transferred, concealed and otherwise deprived Jesse of property belonging to the Slayton Family Trust and/or the Jesse and Martha Trust and/or Jesse C. Slayton. Said Respondents may include, without limitation, **Debbie Slayton**, **Bobby Slayton**, her father, and/or **Joyce Slayton**, her mother.

Bobby Slayton died on 5/13/2012. To Petitioner's knowledge no probate proceedings have been commenced.

Petitioners believe that at the time the property or assets of Jesse C. Slayton and/or the trusts were transferred, the transferees knew the property were assets of the Slayton Family Trust, the Jesse and Martha Trust or Jesse C. Slayton.

As a result of such transfer, the transferees received and held the property or assets as Constructive Trustee for and on behalf of the beneficiaries of the Trust, namely Cindy Hill, Lewis Slayton and Shirley Alexander. Respondents, and each of them, should be ordered to surrender and deliver said property to Petitioners.

Petitioners are unaware of the beneficiaries of the Jesse C. Slayton and Martha Jane Slayton Revocable Living Trust dated June 1, 2005.

Please see additional page

Wherefore, Petitioners pray:

- 1. That Debbie Slayton be ordered to account and report:**
 - a. For her actions as Trustee of the Slayton Family Trust from July 29, 2009;**
 - b. For her actions as Trustee or Successor Trustee of the Jesse C. Slayton and Martha Jane Slayton Revocable Living Trust dated June 1, 2005;**
 - c. For any and all actions taken as attorney-in-fact for Jesse C. Slayton, pursuant to power of attorney executed May 3, 2005;**
- 2. For damages in an amount according to proof;**
- 3. For exemplary damages in an amount according to proof;**
- 4. For damages assessed on account of acts of elder abuse, including but not limited to actual damages, exemplary and punitive damages, and attorney's fees and costs;**
- 5. For imposition of a constructive trust on Respondents who received assets belonging to or attributable to Jesse C. Slayton, the Jesse C. Slayton and Martha Jane Slayton Revocable Living Trust and/or the Slayton Family Trust;**
- 6. For attorney's fees and costs incurred in bringing this action; and**
- 7. For such other and further relief as the court may deem proper.**

7 Auri Brooks, Tazon Brooks, Antwon Brooks, Jr., Sacari Brooks, and I'Fasih Armstrong (GUARD/P)

Atty Boyett, Deborah K. (for Makiah Taneal Woods – Petitioner- Maternal Aunt)

Case No. 12CEPR00949

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

I'Fasih, 16		<p align="center"><u>TEMPORARY EXPIRES 01/02/13</u></p> <p>MAKIAH TANEAL WOODS, maternal aunt, is Petitioner.</p> <p>Father (I'Fasih): RONALD ARMSTRONG Father (all others): ANTWON BROOKS –</p> <p>Mother: BLONDY DAVIS – Consents & Waives Notice</p> <p>Paternal grandfather (I'Fasih): Ronald Armstrong Paternal grandmother (I'Fasih): Rosemary Mayberry Armstrong</p> <p>Paternal grandfather (all others): DECEASED Paternal grandmother (all others): Naltalia Brooks</p> <p>Maternal grandfather: Charley Ricky Davis, Deceased Maternal grandmother: Gloria Mitchell</p> <p>Minor: I'Fasih Armstrong, served in person on 11/15/2012</p> <p>Petitioner alleges the children resided full time with their mother until she was remanded into custody and is now incarcerated. The mother has nominated Petitioner to be the guardian of her children. Petitioner states that neither father is involved with the children. I'Fasih's father has been absent from her life for 14+ years and the other children's father, Antwon Brooks has been violent with the mother. There is a pending dissolution of marriage between Mr. Brooks and the mother and he has not had contact with his children for more than a year.</p> <p align="center"><u>Please see additional page</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> Ronald Armstrong (Father of I'Fasih) Antwon Brooks (Father of the other children) <p>Note: Notice of Hearing with proof of service by mail was served on an individual by the name of Ronnie "Ronnie" Armstrong on 12/07/2012. It is unclear to the examiner who this individual is.</p> <p>2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> Ronald Armstrong (Paternal Grandfather of I'Fasih) Rosemary Mayberry Armstrong (Paternal Grandfather of I'Fasih) Naltalia Brooks (Paternal Grandmother of the other children) Gloria Mitchell (Maternal Grandmother) <p>Court Investigator Jennifer L. Young to provide:</p> <ol style="list-style-type: none"> CI Report Clearances
Auri, 11			
Tazon, 10			
Antwon, 9			
Sacari, 8			
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<p>Reviewed by: LV</p> <p>Reviewed on: 12/10/2012</p> <p>Updates: 12/18/2012</p> <p>Recommendation:</p> <p>File 7 – Brooks & Armstrong</p>			

Declaration of Blondy L. Davis (Mother) in Support of Petition for Appointment of Temporary Guardian of the Person filed 10/22/2012 states the father of I'Fasiah, Ronald Ronnie Armstrong is a virtual stranger to the minor, at no time has there ever been a court order regarding custody or visitation as to I'Fasiah.

Antwon Roman Brooks is the father of the remaining children. The mother and Antwon Brooks are married, a petition for dissolution of marriage was filed September 2011, however the two have lived separately since October 2010.

On or about May 11, 2011 Antwon Brooks used force to enter her home and removed the children. The mother, Blondy L. Davis, later found out that he had taken the children to Arizona or Nevada and had brandished weapons in their presence, including handguns and grenades. On May 17, 2011 Mr. Brooks returned the children to their school. Ms. Davis, the mother, was able to obtain a Temporary Restraining Order to prevent him from taking the children again. Antwon Brooks' whereabouts was unknown which prevented him from being served therefore the temporary restraining order expired.

Blondy L. Davis, the mother, states that Antwon Brooks has been abusive towards her in the past.

JANIE DOMINGUEZ, Mother, is Petitioner.

Petitioner states that as a result of an auto accident during her pregnancy, her twin sons were born prematurely. Johnny sustained an intracranial hemorrhage which resulted in permanent brain injury and causing both cognitive and developmental dysfunction. He will never read above a five-year-old level, his speech is permanently delayed and he is functioning at the end of a wide range of cognitive tests.

Subsequent to the accident, a settlement was reached in 03CECG0086 DSB, and Petitioner now seeks the additional order to establish a Special Needs Trust for Johnny to preserve his future and current eligibility to receive asset-sensitive public benefits.

After payment of attorney fees and costs and upon Court approval, Johnny is going to receive \$686,841.23 and periodic payments as set forth below. Petitioner requests that said settlement monies be paid directly to a Special Needs Trust (attached). If received outside of a Special Needs Trust, the funds would cause loss of Medi-Cal benefits. It is likely that Johnny will rely on Medi-Cal for a great majority of his medical needs. The primary purposes of the trust is to supplement those needs and to enhance Johnny's quality of life. Johnny has a disability that substantially impairs his ability to provide for his own care or custody and constitutes a substantial handicap. He is likely to have special needs that will not be met without the trust. The money to be paid does not exceed the amount which appears reasonably necessary to meet Johnny's special needs.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

SEE PAGE 3

Reviewed by: skc

Reviewed on: 12-11-12

Updates:**Recommendation:**

File 8 - Miranda

Page 2

Petitioner states the proceeds (\$686,841.23), after payment of attorney fees and costs, will be allocated as follows:

- \$120,000.00 initial funding of SNT
- The remainder will be used to purchase an annuity from Berkshire Hathaway Life Insurance Company of Nebraska for \$566,841.23, which will produce the following payments to the trust:
 - 2-9-20 (Johnny's 18th birthday) \$20,000.00 lump sum plus \$1,118.00/month for 40 years certain and life compounding annually at 3%
 - \$10,000.00 on 2-9-21, \$ 2-9-22, and 2-9-23
 - \$50,000.00 on 2-9-29 (Johnny's 27th birthday)

Petitioner requests compensation for the trustees at an hourly rate of \$125/hour or the then-current hourly rate. The proposed trustee is Perine & Dicken Professional Fiduciaries and Conservators, each trustee authorized to act independently.

Petitioner requests bond of \$134,640.00 based on the initial funding amount of \$120,00.00, annual interest of \$2,400.00, and 10% cost of recovery.

Petitioner requests authority to invest in mutual funds and bonds with a maturity date greater than five years pursuant to Probate Code §2574(c).

Petitioner prays for an Order that:

1. All notices of time and place of the hearing have been given as required by law;
2. The *Johnny Miranda Special Needs Trust* be approved and established pursuant to 42 USC §1396p(d)(4)(A);
3. Perine & Dicken Professional Fiduciaries and Conservators, consisting of Ronald Dicken, Patricia Dicken, Karen Steele and Christopher Kennedy, be appointed Trustee of the SNT;
4. Perine & Dicken be required to post bond in the amount of \$134,640.00;
5. Perine & Dicken be authorized and directed to pay itself periodic compensation on account pursuant to Probate Code §15682 at an hourly rate of \$125/hour or the then-current hourly rate. Petitioner requests authorization to take compensation on a monthly basis upon submission of an invoice for services;
6. Perine & Dicken be authorized to invest in mutual funds and bonds with a maturity date greater than five years; and
7. Any other orders the court deems just and proper.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. Need written acceptance of trust by Perine & Dicken (Probate Code §15600).
2. Need clarification re #5 of prayer: "Petitioner requests authorization to take compensation on a monthly basis upon submission of an invoice for services." It is unclear if this refers to the trustee's compensation or compensation for Petitioner Janie Dominguez.

Note: The prayer states "on account." The Court may require account prior to authorization of payment. See Cal. Rules of Court 7.755 (no payment in advance of Court order), 7.903(c)(8), and Probate Code §2643.

3. Petitioner requests authorization of payment of the trustee fee of \$125/hour or the then-current rate. The order should reflect that the Court will require prior approval for rate increases.
4. The trust at §4.1 authorizes the trustee to make distributions in the trustee's discretion for special needs, which may include the purchase of assets such as vehicle, electronics, etc. The Court may require court authorization for the purchase of such assets to ensure appropriate title and inventory, etc., as assets of the SNT. Therefore, additional language at §4.1 may be necessary to distinguish between disbursements and distributions: Disbursements for special needs may be made in the trustee's good faith discretion without court approval, but court approval would be required for major distributions.
5. The trust at §4.3 allows the trustee to provide in-kind support and maintenance as allowed by public benefits programs rules. The Court may require clarification and language requiring prior Court authorization for such in-kind exchange upon account.
6. Trust §4.14 should require final account pursuant to Probate Code §2620(b) prior to distribution.
7. Need order. Order should contain the proposed trust and should comply with Local Rule 7.6.1 (signature line after the last page, after all attachments).

DOD: 01/04/08		KIRK HAGOPIAN and GLORIA HAGOPIAN , are Petitioners.	NEEDS/PROBLEMS/COMMENTS:	
		Petitioners state:	<p>1. The Petition does not have a prayer or otherwise specify the relief requested. It appears from the language of the Petition that petitioners are requesting to be appointed as successor co-trustees; however, the proposed Order specifies that only Kirk Hagopian be appointed as successor trustee. Further, the Nomination of Successor Trustee by Lorraine Magarian & Paula Morrissey nominate Gloria Hagopian and not Kirk Hagopian. Need clarification and will need a revised order if Gloria Hagopian is to be appointed as successor co-trustee along with Kirk.</p>	
Cont. from		<p>1. The DOLORES MILANO TRUST (the "Trust") was created on 08/15/96. Dolores Milano served as the initial trustee until her death on 01/04/08. Cheryl A. Smart was the only successor trustee named in the Trust. She served as successor trustee until her death on 12/06/11. Ms. Smart did not name a successor trustee.</p> <p>2. The sole beneficiary of the Trust was Cheryl Smart.</p> <p>3. Petitioner Kirk Hagopian is the Administrator of the Estate of Cheryl A. Smart, currently being administered in Fresno Superior Court Case 12CEPR00468. Petitioner Gloria Hagopian is Kirk Hagopian's mother and was a first cousin of Cheryl A. Smart.</p> <p>4. Petitioners believe that Kirk Hagopian has a superior claim to all other persons to be appointed the next successor trustee because Cheryl A. Smart's estate is the successor beneficiary of the Trust.</p> <p>5. Petitioners have been nominated by two of the beneficiaries of Cheryl A. Smart's estate to serve as successor co-trustees.</p> <p>6. All assets of the Trust are in Fresno County.</p>		
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			Reviewed by: JF Reviewed on: 12/11/12 Updates: Recommendation: File 9 - Milano	

Atty Steen, Stephanie (pro per – non-relative/Petitioner)

Atty Steen, Gregory A. (pro per – non-relative/Petitioner)

Atty Lopez, Amy (for Sherry & Donald Richardson/paternal grandparents -competing Petitioners)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 2	TEMPORARY EXPIRES 01/02/13		NEEDS/PROBLEMS/COMMENTS:
	STEPHANIE STEEN and GREGORY STEEN , non-relatives, are Petitioners.		CONTINUED FROM 11/01/12 Minute Order from 11/01/12 states: Also present in the courtroom are Robin Daves and James Crawford. Mother is in favor of the petition. The Court on its own motion grants a temporary guardianship in favor of Stephanie & Gregory Steen. The temporary expires on 01/02/13. The Court continues the hearing on the permanent petition to 01/02/13. The Court directs that there be reasonable visitation between the child and the paternal grandparents. <u>Note:</u> Sherry & Donald Richardson, paternal grandparents, have filed a competing temporary & general petition (Page 10B). 1. Need CI Report and Clearances – CI to provide.
	Father: JOSHUA RICHARDSON – currently incarcerated; personally served on 09/10/12		
	Mother: TIFFANY RICHARDSON – personally served on 09/10/12		
Cont. from 103012, 110112	Paternal grandfather: DON RICHARDSON – served by mail on 10/05/12		
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandmother: SHERRY RICHARDSON – served by mail on 10/05/12		
<input checked="" type="checkbox"/> Verified	Maternal grandfather: PATRICK JUSTESEN – served by mail on 10/05/12		
<input type="checkbox"/> Inventory	Maternal grandmother: ROBIN DAVES – served by mail on 10/05/12		
<input type="checkbox"/> PTC	Petitioners state that the father is currently incarcerated and the mother has admitted that she is currently using meth, abusing several prescription drugs and dealing drugs. She is homeless, jobless and has shown little regard for Jessie's safety. Petitioners state that they have known Tiffany (mother) since she was a child and she has even lived in their home previously. Petitioners states that the mother asked them to care for Jessie and has signed a Power of Attorney for Minor Child appointing Petitioners as attorney-in-fact in regards to Jessie's care. Jessie currently is living with them.		
<input type="checkbox"/> Not.Cred.	Court Investigator Dina Calvillo filed a report on 10/25/12. .		
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Atty Steen, Stephanie (pro per – non-relative/Petitioner)

Atty Steen, Gregory A. (pro per – non-relative/Petitioner)

Atty Lopez, Amy (for Sherry & Donald Richardson/paternal grandparents -competing Petitioners)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 2	TEMPORARY GRANTED TO THE STEENS ON 11/01/12; EXPIRES 01/02/13		NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Petitioners provided separate Letters of Guardianship for Donald Richardson & Sherry Richardson. Need revised Letters with both parties listed.
	<p>SHERRY RICHARDSON and DONALD RICHARDSON, paternal grandparents, are Petitioners.</p> <p>Father: JOSHUA RICHARDSON – <i>currently incarcerated; Consent & Waiver of Notice filed 10/22/12</i></p> <p>Mother: TIFFANY RICHARDSON – <i>personally served 10/26/12</i></p> <p>Maternal grandfather: PATRICK JUSTESEN – <i>served by mail on 10/24/12</i></p> <p>Maternal grandmother: ROBIN DAVES – <i>served by mail on 10/24/12</i></p> <p>Petitioners allege that they can provide Jessie with a safe, stable and loving home. They state they are very bonded with Jessie and have known and loved her since birth. Petitioners further states that they will make sure that Jessie has appropriate visits with her parents and their extended families. They strongly believe that Jessie needs to be surrounded with family during this difficult time.</p> <p>Court Investigator Dina Calvillo filed a report on 12/10/12.</p>		
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			Reviewed by: JF
			Reviewed on: 12/11/12
			Updates:
			Recommendation:
			File 10B - Richardson

Atty Najera, Tony (Pro Per – Petitioner – Uncle)

Atty Najera, Stephanie (Pro Per – Petitioner – Aunt)

Atty Chavez, Juliette (Mother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 15 years		TEMPORARY EXPIRES 1/2/2013		NEEDS/PROBLEMS/COMMENTS:	
		TONY NAJERA and STEPHANIE NAJERA , uncle and aunt, are petitioners.		1. Need Notice of Hearing.	
Cont. from		Father: JUAN DELGADO – consents and waives notice.		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for:	
	Aff.Sub.Wit.		Mother: JULIETTE CHAVEZ , Declaration of Due Diligence filed 11/06/2012	<ul style="list-style-type: none"> Juliette Chavez (Mother) 	
✓	Verified		Paternal grandfather: Unknown	Note: Declaration of Due Diligence filed 11/02/2012 states that petitioners hired Action Legal Support Services to serve Juliette Chavez numerous attempts were made without success.	
	Inventory		Paternal grandmother: Maria Avendano, consents and waives notice.	11/01/2012 Juliette Chavez called petitioner, Tony Najera, and informed him that she was aware that they were attempting to have her served however it was not going to work as she was out of town.	
	PTC		Maternal grandfather: Unknown	Declaration of Due Diligence filed 11/06/2012 lists all of the attempts at service by Action Legal Support Services.	
	Not.Cred.		Maternal grandmother: Angela McCarthy, personally served on 11/02/2012		
	Notice of Hrg	x	Minor: Angelica Delgado, consents and waives notice		
	Aff.Mail	x	Petitioners allege: Mother is emotionally and physically abusive. Angelica has been in the Petitioners' care since July 20, 2012. Petitioners feel if they are not awarded temporary custody her mother will harm her and flee the city.		
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				Reviewed by: LV	
				Reviewed on: 12/12/2012	
				Updates:	
				Recommendation:	
				File 11 - Delgado	

Objections of Julie Chavez, mother, filed on 11/5/12 states she objects to the false allegations as stated in the petition. She states she was investigated by CPS and the worker closed the case. The father is a registered sex offender. Mom states she has kept the minor away from her father almost all of her life. His family has seen the minor throughout the years with the stipulation that she was not to see her father. Mom found out that they went against her wishes and took her around Juan Delgado (father). Mom states the minor is very manipulative. She has been out of control for some time now, Mom states she caught the minor on the web sexually talking with 20 and 30 year olds. She has a problem with discipline and becomes rebellious and hateful towards her mother. Mom feels she should reside with her due to the fact that the Petitioners allow the minor to hang out with seniors and she is a freshman in high school. They know mom doesn't approve of it considering the minor's past issues with boys.

Needs / Problems / Comments (continued)

3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
 - Paternal Grandfather (Unknown)
 - Maternal Grandfather (Unknown)

Court Investigator Julie L. Young to provide:

- 1) CI Report
- 2) Clearances

DOD: 01/18/12		MATTHEW T. KEMPER , successor trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Order.
		Petitioner states:	
		1. He is the presently acting successor trustee of the WILMA I. OLSON TRUST dated 01/17/98 as amended 01/11/12 (the "Trust"). The principal place of trust administration is Fresno County.	
		2. WILMA I. OLSON ("Decedent") died on 01/18/12. In the days prior to her death, Decedent was in the process of transferring her UBS Financial Services Resource Management Account ("UBS Account") into the Trust, but passes away before the paperwork could be processed by UBS.	
		3. The UBS account shows ownership vesting in the Decedent's name alone, at the Decedent's date of death the UBS account had a value of \$351,940.49.	
		4. Petitioner requests that the Court confirm that the UBS Account should be deemed an asset subject to the Trust and under the control of Petitioner as successor trustee. Petitioner believes that the UBS Account is subject to his control as successor trustee and Exhibit A to the Trust references "various other securities" which would indicate an intent by the Decedent to have her investments made part of the Trust.	
		Petitioner prays for an Order that:	
		1. Decedent's UBS Account is deemed an asset of the Trust subject to the management and control of Matthew T. Kemper, successor trustee of the WILMA I. OLSON TRUST dated 01/17/98 as amended on 01/11/12.	
		Declaration of Thomas E. Campagne, Esq. in Support of Petition for Order Confirming Trust Asset filed 11/07/12 states: He served as attorney to Decedent assisting her in estate planning matters. He prepared a First Codicil and Amendment to the Revocable Trust Agreement and Last Will and Testament of Wilma I. Olson in late 2011, which amendment was executed on 01/11/12. He advised the Decedent to make contact with UBS regarding re-titling her investment account, which he noted was not funded into her Trust. He did not personally oversee the efforts to re-title the UBS Account, however, he is aware that steps were taken in that regard through the Decedent's account advisor, Robert Simon. Unfortunately, Wilma died before the paperwork could be prepared and processed.	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 12/11/12
			Updates:
			Recommendation:
			File 12 - Olson

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,
1821, 2680-2682)

Age: 75		<u>NO TEMPORARY ORDERS</u>		NEEDS/PROBLEMS/COMMENTS:		
		CAROL TUCKER , daughter, is petitioner and requests appointment as Conservator of the person, with medical consent and dementia powers. Declaration of Aps Sidhu, M.D. , 10/18/2012, supports request for dementia powers and medical consent powers. Voting rights affected. Petitioner states: the proposed conservatee is in no condition to take care of herself, she has both of her legs amputated and suffers from Dementia. Proposed conservatee currently resides at the Sierra Vista Health Care Nursing Home, where she has lived since August of 2012. Petitioner states that the proposed conservatee is never left alone because of her memory loss, and has a difficult time remembering family members, she is unable to attend to her daily needs and needs assistance in her personal hygiene, meal preparation and feeding. Court Investigator Jennifer Daniel's report filed 12/17/2012.		Court Investigator Advised Rights on 12/03/2012.		
Cont. from				Voting Rights Affected Need Minute Order.		
	Aff.Sub.Wit.					
✓	Verified					
	Inventory					
	PTC					
	Not.Cred.					
	Notice of Hrg			x		
	Aff.Mail			x		
	Aff.Pub.					
	Sp.Ntc.					
	Pers.Serv.	x				
✓	Conf. Screen					
✓	Letters					
✓	Duties/Supp					
	Objections					
✓	Video Receipt					
✓	CI Report					
	9202					
✓	Order					
	Aff. Posting					
	Status Rpt					
	UCCJEA					
	Citation	x				
	FTB Notice					
				Reviewed by: LV		
				Reviewed on: 12/12/2012		
				Updates: 12/18/2012		
				Recommendation:		
				File 13 - Simon		

**Amended Petition for Letters of Special Administration; Authorization to Administer
Under IAEA (Prob. C. 8002, 10450)**

DOD: 4/24/2009		RAMONA RAMOS , daughter, is Petitioner and requests appointment as Special Administrator with full IAEA and without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 121212		Petitioner is the sole heir and waives bond.	1. <i>Petition</i> does not state why a special administrator is needed as opposed to a general administrator. A special administrator is generally appointed for a limited purpose whereby a general administrator is appointed to administer the entire estate. Court may require clarification.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Full IAEA – ?	2. Need <i>Affidavit of Publication</i> . <i>Petition</i> requests appointment as Special Administrator with general powers and full IAEA. Pursuant to Probate Code §8545, notice shall be the same as under Probate Code §8003, which includes publication under Probate Code § 8120 et seq.
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Decedent died intestate.	
<input type="checkbox"/>	Aff.Pub.	X	3. Item 5(a) of the <i>Petition</i> is incomplete as to (3) or (4) re: registered domestic partner, and (7) or (8) re: issue of a predeceased child.
<input type="checkbox"/>	Sp.Ntc.	Residence – Coalinga	
<input type="checkbox"/>	Pers.Serv.	Publication – ?	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	X	4. Need date of death of spouse pursuant to Local Rule 7.1.1D.
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		5. Need Order
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		6. Need Letters.
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Estimated value of the Estate: Real property - \$64,000.00 Total - \$64,000.00	Reviewed by: KT Reviewed on: 12/11/12 Updates: Recommendation: File 14 - Ramos
		Probate Referee: Rick Smith	

Petition for Appointment of Temporary Guardian of the Person

"Laycee" Age: 9		GENERAL HEARING 2-11-13	NEEDS/PROBLEMS/COMMENTS:	
		<p>BEVERLY and ALEXANDER FRANK, Maternal Grandmother and Step-Grandfather, are Petitioners.</p> <p>Father: JOHN MICHAEL DEAN REAGAN Mother: SHEILA MARIE JONES Paternal Grandfather: Unknown Paternal Grandmother: Unknown Maternal Grandfather: Ron Jones</p> <p>Petitioners state Laycee has been with them since Thanksgiving. The mother was evicted from her residence. Petitioners believe the father is John Michael Dean Reagan, but the only information they have is that he was in prison in Oregon for child molesting; his current whereabouts unknown. He has never been present.</p> <p>Petitioners state that on 11-22-12, they went to the apartment where the mother (42) and her boyfriend Mike (19) and Laycee were. There was also another man Bob (older) present. It appeared the mother and her boyfriend were under the influence of methamphetamines that day and had been using for a period of time. Both were passed out. Petitioners took Laycee home with them. Petitioners are also concerned that the mother is exposing Laycee to "adult things."</p> <p>Petitioners state Laycee has been in the home-schooling program since the mother could not get her to school on time this year, but is weeks behind, and the mother missed the last three meetings with the program. Since she's been with Petitioners, Laycee is back on a regular schedule.</p> <p>Laycee is often left to fend for herself when in her mother's care and the mother does not keep a clean home. Petitioners state Laycee needs medical and dental attention, but her mother did nothing about her complaints.</p>	<p>1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least five (5) Court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Sheila Marie Jones (mother) - John Michael Dean Reagan (father)</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Verified			<input type="checkbox"/>
<input type="checkbox"/>	Inventory			<input type="checkbox"/>
<input type="checkbox"/>	PTC			<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.			<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.			<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Conf. Screen			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>		
<input type="checkbox"/>	Objections	<input type="checkbox"/>		
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>		
<input type="checkbox"/>	CI Report	<input type="checkbox"/>		
<input type="checkbox"/>	9202	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>		
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		
			<p>Reviewed by: skc</p> <p>Reviewed on: 12-14-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Reagan</p>	

Petition for Appointment of Temporary Conservatorship of the Person and Estate

Age: 88		TEMP SIGNED EX PARTE EXPIRES 1-2-13	NEEDS/PROBLEMS/COMMENTS:
		GENERAL HEARING 1-29-13	<ol style="list-style-type: none"> Need Notice of Hearing. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five Court days prior to the hearing per Probate Code §2250(e) on: - Theresa Rojas Sanchez (Proposed Conservatee) Need proof of service of Notice of Hearing with a copy of the temp petition at least five Court days prior to the hearing per Probate Code §2250(e) on: - Ginger Gonzalez (Sister) - Josephine Esparza (Sister) - Henry Rojas (Brother) - Mary (Pat) Hernandez (Sister) - Richard Lupe Rojas (Brother) Need Capacity Declaration (Mandatory Judicial Council Form GC-335) in support of medical consent powers. Need bond as requested per Probate Code 2320(c)(4) and Cal. Rules of Court 7.207.
Aff.Sub.Wit.		<p>MANUEL ROJAS, Brother, is Petitioner and requests appointment as Temporary Conservator of the Person and Estate with bond of \$90,000.00 with additional powers under Probate Code §§ 2351-2358 including:</p> <ul style="list-style-type: none"> Medical consent powers Power to fix residence Consent to emergency medical treatment Access to confidential records and papers <p>Estimated Value of Estate:</p> <p>Personal property: \$ 15,000.00 Annual income: \$ 64,197.94 Recovery: \$ 7,919.79 Total bond required: \$ 87,117.73</p> <p>Petitioner states the proposed Conservatee is 88 years old. On 11-19-12, she was home alone and fell, breaking her hip. She was found by a relative three days later and taken to St. Agnes and remains in the ICU with complications from the incident. She is weak and unable to speak on her own behalf. Her doctors have told family that she will not be returning to her home and will need to be placed in a nursing facility upon her release. Temporary conservatorship is necessary because she is incapable of making any decisions regarding her immediate or future care. Petitioner states the proposed Conservatee owns a home and other properties and receives monthly bills that require attention.</p> <p>Court Investigator Dina Calvillo to file report.</p>	
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report	X		
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			